Notice of Allowability	Application No.	Applicant(s)	
	10/684,273	WILZ ET AL.	
	Examiner	Art Unit	
	Jared J. Fureman	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the telephone interview on 2/9/2006*.

2. ☒ The allowed claim(s) is/are *24-26,28-32 and 40-45*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *02092006* .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Receipt is acknowledged of the amendment, filed on 1/3/2006, which has been entered in the file. Claims 24-32 and 40-45 are pending.

Drawings

1. The drawings were received on 1/24/2006. These drawings are acceptable to the examiner.

Terminal Disclaimer

2. The terminal disclaimer filed on 1/3/2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent numbers 6,905,071 and 6,857,572 has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas J. Perkowski (33,134) on 2/9/2006. During the interview, Mr. Perkowski was informed that claims 24-26, 28-32 and 40-45 were in condition for allowance, but claim 27 remained rejected as set forth in the office action mailed on

6/28/2005. Mr. Perkowski authorized an examiner's amendment to cancel claim 27, without prejudice, in order to place the application in condition for allowance.

The application has been amended as follows:

In the claims:

Claim 27 has been cancelled.

Allowable Subject Matter

4. Claims 24-26, 28-32 and 40 have been allowed over the prior art of record.

5. The following is an examiner's statement of reasons for allowance: The prior art, taken alone or in combination, fails to teach or fairly suggest: a first omni-directional bar code reading mode of operation, wherein a visible omni-directional laser scanning pattern produces multiple laser scanning lines, in combination with a second uni-directional reading mode of operation, wherein against a visible stroboscopically-pulsed omni-directional laser scanning pattern, there is produced a single laser scanning line (as recited in claim 24); a manually-actuatable data transmission control switch capable of serving the claimed dual purposes (as recited in claim 30); a visible laser light source, scanning element and a plurality of stationary mirrors arranged in a first configuration to produce a visible omni-directional laser scanning pattern in combination with wherein said visible laser light source, said scanning element and said plurality of stationary mirrors arranged in a second configuration and cooperating to produce a visible stroboscopically-pulsed omni-directional laser scanning pattern against a single laser

scanning line (as recited in claim 40); in combination with the other claimed limitations as recited in the claims.

While Kahn et al teaches manually-actuatable switches (70 and 71, see figure 1, of Kahn et al) capable of performing dual purposes (see column 7, lines 40-60, of Kahn et al), the systems as taught by Kumagai et al and Kahn et al are not capable of performing the second purpose (labeled (ii) in claim 30). Thus, the dual purposes switches as taught by Kahn et al do not meet the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jared J. Fureman
Primary Examiner
Art Unit 2876

February 13, 2006